

Timothy J. Forwood
Wyoming State Bar No. 6-4120
Assistant United States Attorney
District of Wyoming
P.O. Box 668
Cheyenne, WY 82003
(307) 772-2124
timothy.forwood@usdoj.gov

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

KYLE STEVEN HEBERT,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil No. 20-CV-143-S

**UNITED STATES MOTION FOR AN EXTENSION OF TIME IN WHICH TO
RESPOND TO THE PETITIONER'S MOTION UNDER 28 U.S.C. § 2255**

On July 29, 2020, the petitioner filed a motion to vacate his sentence pursuant to 28 U.S.C. § 2255. On July 31, 2019, the court entered its order requiring the United States to respond to said motion within twenty-one days. The government's response is due on or before August 21, 2020. For the reasons set forth below, the United States hereby requests a sixty day extension of time to October 20, 2020, in which to respond to the Defendant's motion.

1. This is the government's first request for an extension of time.
2. In order to adequately respond to the Defendant's motion, the United States needs additional time to review transcripts from the Defendant's suppression hearing, jury trial, and sentencing hearing.

3. The Defendant also makes several technical allegations regarding the facts underling the case which the United States needs sufficient time to review.

4. The undersigned is also responsible for the preparation of another response to a motion to vacate sentence pursuant to 28 U.S.C. § 2255; *Joshua Miller v. United States*, 20-CV-123-F, currently due on September 25, 2020.

5. The undersigned is also preparing for a jury trial currently scheduled for September 21, 2020; *United States v. Jeremy Rogers*, 20-CR-44-F

6. In addition to these cases, the undersigned presently has a heavy criminal caseload and currently has multiple other cases pending in the United States District Court for the District of Wyoming.

7. The Defendant is presently in federal custody serving his sentence.

WHEREFORE, for the foregoing reasons and due to the undersigned's current workload, counsel does not believe he can research, write and submit a helpful response for the court by on or before August 21, 2020. For that reason, the undersigned respectfully requests a sixty day extension of time to October 20, 2020 , in which to file its response to the Defendant's pending § 2255 motion.

DATED this 14th day of August 2020.

MARK A. KLAASSEN
United States Attorney

By: /s/ Timothy J. Forwood
TIMOTHY J. FORWOOD
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of August, 2020, I served a true and correct copy of the foregoing **United States' Motion for an Extension of Time in Which to Respond to the Petitioner's Motion Under 28 U.S.C. § 2255** upon counsel of record by electronic filing.

/s/ Louisa G. Cruz
For the United States Attorney's Office